

**Executive Summary – Enforcement Matter – Case No. 51374**

**City of Ore City**

**RN101920122**

**Docket No. 2015-1524-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Ore City WWTF, located approximately 4,300 feet northeast of the intersection of U.S. Highway 259 and Farm-to-Market Road 450, Upshur County

**Type of Operation:**

Wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 29, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,325

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$17,325

Name of SEP: Texas Association of Resource Conservation and Development Areas, Inc. (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 51374**  
**City of Ore City**  
**RN101920122**  
**Docket No. 2015-1524-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** August 27, 2015

**Date(s) of NOE(s):** September 15, 2015

***Violation Information***

Failed to comply with permitted effluent limitations for ammonia nitrogen, total suspended solids, and 5-day carbonaceous oxygen demand [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014389001, Effluent Limitations and Monitoring Requirement 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014389001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 51374**  
**City of Ore City**  
**RN101920122**  
**Docket No. 2015-1524-MWD-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Steven Van Landingham, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5717; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**Respondent:** The Honorable Glenn Breazeale, Mayor, City of Ore City, P.O. Box 327, Ore City, Texas 75683

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2015-1524-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                                   |   |
|-----------------------------------|---|
| <b>Respondent:</b>                | <b>City of Ore City</b>   |
| <b>Penalty Amount:</b>            | <b>Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325)</b>        |
| <b>SEP Offset Amount:</b>         | <b>Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325)</b>        |
| <b>Type of SEP:</b>               | <b>Contribution to a Third-Party Pre-Approved SEP</b>                         |
| <b>Third-Party Administrator:</b> | <b>Texas Association of Resource Conservation and Development Areas, Inc.</b> |
| <b>Project Name:</b>              | <b><i>Wastewater Treatment Assistance</i></b>                                 |
| <b>Location of SEP:</b>           | <b>Upshur County - Sabine River Basin, Carrizo-Wilcox Aquifer</b>             |

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Wastewater Treatment Assistance* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities to repair or replace failing or inadequately designed on-site wastewater treatment systems such as septic systems for low-income households (the “Project”). Low-income households fall at or below the 80 percent median income level for households in the county where they live.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to on-site wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing on-site wastewater treatment systems and installation of new on-site wastewater treatment systems.

City of Ore City  
Agreed Order - Attachment A

An on-site wastewater treatment system is a system of treatment devices or disposal facilities that (1) is used for the disposal of domestic sewage, excluding liquid waste resulting from the processes used in industrial and commercial establishments; (2) is located on the site where the sewage is produced; and (3) produces not more than 5,000 gallons of waste a day. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows may cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902

## **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

## **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

City of Ore City  
Agreed Order - Attachment A

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





## Penalty Calculation Worksheet (PCW)

TCEQ

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 21-Sep-2015 | <b>Screening</b> | 29-Sep-2015 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 22-Oct-2015 |                  |             |                |  |

**RESPONDENT/FACILITY INFORMATION**

|                             |                  |                           |       |
|-----------------------------|------------------|---------------------------|-------|
| <b>Respondent</b>           | City of Ore City |                           |       |
| <b>Reg. Ent. Ref. No.</b>   | RN101920122      |                           |       |
| <b>Facility/Site Region</b> | 5-Tyler          | <b>Major/Minor Source</b> | Minor |

**CASE INFORMATION**

|  |                 |                              |                       |
|--|-----------------|------------------------------|-----------------------|
| <b>Enf./Case ID No.</b>                | 51374           | <b>No. of Violations</b>     | 2                     |
| <b>Docket No.</b>                      | 2015-1524-MWD-E | <b>Order Type</b>            | Findings              |
| <b>Media Program(s)</b>                | Water Quality   | <b>Government/Non-Profit</b> | Yes                   |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Steven Van Landingham |
|  |                 | <b>EC's Team</b>             | Enforcement Team 3    |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$25,000              |

**Penalty Calculation Section**

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$11,250**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **54.0%** **Adjustment** **Subtotals 2, 3, & 7** **\$6,075**

**Notes** Enhancement for five months of self-reported effluent violations, two NOV's with dissimilar violations, and one order without denial of liability.

**Culpability** **No** **0.0%** **Enhancement** **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** **Enhancement\*** **Subtotal 6** **\$0**

Total EB Amounts \$440  
Estimated Cost of Compliance \$10,000

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$17,325**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$17,325**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$17,325**

**DEFERRAL** **0.0%** **Reduction** **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$17,325**

Screening Date 29-Sep-2015

Docket No. 2015-1524-MWD-E

PCW

Respondent City of Ore City

Policy Revision 4 (April 2014)

Case ID No. 51374

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920122

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 5                 | 25%     |
|                               | Other written NOVs   | 2                 | 4%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 1                 | 25%     |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )                               | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 0                 | 0%      |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 54%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for five months of self-reported effluent violations, two NOVs with dissimilar violations, and one order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 54%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 54%

Screening Date 29-Sep-2015

Docket No. 2015-1524-MWD-E

PCW

Respondent City of Ore City

Policy Revision 4 (April 2014)

Case ID No. 51374

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920122

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014389001, Effluent Limitations and Monitoring Requirements 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on August 27, 2015, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    | x     |          |       |
| Potential |       |          |       |

Percent 30.0%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$17,500

\$7,500

## Violation Events

Number of Violation Events 1

31 Number of violation days

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | weekly       |   |
|                         | monthly      | x |
|                         | quarterly    |   |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event |   |

Violation Base Penalty \$7,500

One monthly event is recommended for the month of May 2015.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

|               | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
|---------------|----------------|----------------------------------|
| Extraordinary |                |                                  |
| Ordinary      |                |                                  |
| N/A           | x              | (mark with x)                    |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$440

Violation Final Penalty Total \$11,550

This violation Final Assessed Penalty (adjusted for limits) \$11,550

# Economic Benefit Worksheet

**Respondent** City of Ore City

**Case ID No.** 51374

**Reg. Ent. Reference No.** RN101920122

**Media** Water Quality

**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

|                          |          |             |             |      |       |     |       |
|--------------------------|----------|-------------|-------------|------|-------|-----|-------|
| Equipment                |          |             |             | 0.00 | \$0   | \$0 | \$0   |
| Buildings                |          |             |             | 0.00 | \$0   | \$0 | \$0   |
| Other (as needed)        |          |             |             | 0.00 | \$0   | \$0 | \$0   |
| Engineering/Construction |          |             |             | 0.00 | \$0   | \$0 | \$0   |
| Land                     |          |             |             | 0.00 | \$0   | n/a | \$0   |
| Record Keeping System    |          |             |             | 0.00 | \$0   | n/a | \$0   |
| Training/Sampling        |          |             |             | 0.00 | \$0   | n/a | \$0   |
| Remediation/Disposal     |          |             |             | 0.00 | \$0   | n/a | \$0   |
| Permit Costs             |          |             |             | 0.00 | \$0   | n/a | \$0   |
| Other (as needed)        | \$10,000 | 31-May-2015 | 16-Apr-2016 | 0.88 | \$440 | n/a | \$440 |

**Notes for DELAYED costs**

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance. Final date is the expected date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$440

Screening Date 29-Sep-2015

Docket No. 2015-1524-MWD-E

PCW

Respondent City of Ore City

Policy Revision 4 (April 2014)

Case ID No. 51374

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920122

Media [Statute] Water Quality

Enf. Coordinator Steven Van Landingham

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0014389001, Effluent Limitations and Monitoring Requirements 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on August 27, 2015, and shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       | X        |       |
| Potential |       |          |       |

Percent 15.0%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate carbonaceous biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | X |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

Violation Base Penalty \$3,750

One monthly event is recommended for the month of June 2015.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

|               |   |               |
|---------------|---|---------------|
| Extraordinary |   |               |
| Ordinary      |   |               |
| N/A           | X | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,775

This violation Final Assessed Penalty (adjusted for limits) \$5,775

# Economic Benefit Worksheet

**Respondent** City of Ore City  
**Case ID No.** 51374  
**Reg. Ent. Reference No.** RN101920122  
**Media** Water Quality  
**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |  |  |  |      |     |     |     |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment                |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Land                     |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Economic Benefit included in Violation No. 1

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

**City of Ore City**  
**Docket No. 2015-1524-MWD-E**  
**TPDES Permit No. WQ0014389001**  
**Permitted Effluent Violation Table**

|                | CBOD <sub>5</sub> |                       | Ammonia Nitrogen  |                    |                        | Total Suspended Solids |                    |                       |
|----------------|-------------------|-----------------------|-------------------|--------------------|------------------------|------------------------|--------------------|-----------------------|
|                | Daily Avg. Conc.  | Daily Max. Loading    | Daily Avg. Conc.  | Single Grab        | Daily Max. Loading     | Daily Avg. Conc.       | Single Grab        | Daily Max. Loading    |
| Month/<br>Year | Limit =<br>7 mg/L | Limit =<br>13 lbs/day | Limit =<br>2 mg/L | Limit =<br>15 mg/L | Limit =<br>3.6 lbs/day | Limit =<br>15 mg/L     | Limit =<br>60 mg/L | Limit =<br>27 lbs/day |
| May 2015       | 22                | 42                    | 3.97              | c                  | 4.6                    | 39                     | 70                 | 65                    |
| June 2015      | 10.2              | c                     | 8.6               | 16                 | 6.8                    | c                      | c                  | c                     |

Avg. = Average

c = compliant

CBOD<sub>5</sub> = Carbonaceous Biochemical Oxygen  
Demand (5-day)

Max. = Maximum

mg/L = milligrams per liter

Conc. = Concentration

lbs/day = pounds per day





The TCEQ is committed to accessibility.  
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PENDING** Compliance History Report for CN600635890, RN101920122, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN600635890, City of Ore City

**Classification:** SATISFACTORY

**Rating:** 13.42

**Regulated Entity:** RN101920122, City of Ore City

**Classification:** SATISFACTORY

**Rating:** 13.42

**Complexity Points:** 7

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** Approximately 4,300 feet northeast of the intersection of United States Highway 259 and Farm-to-Market Road 450 in Upshur County, Texas

**TCEQ Region:** REGION 05 - TYLER

**ID Number(s):**

**WASTEWATER** EPA ID TX0024236

**WASTEWATER** PERMIT WQ0014389001

**Compliance History Period:** September 01, 2010 to August 31, 2015

**Rating Year:** 2015

**Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** September 29, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 29, 2010 to September 29, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Steven Van Landingham

**Phone:** (512) 239-5717

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 10/05/2014 ADMINORDER 2014-0173-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Rqmt Prov: Sludge Reporting Requirements PERMIT  
Description: Failure to submit sludge monitoring results at the intervals specified in the permit substantially interfering with the ability to determine compliance status as documented by a TCEQ record review.  
Classification: Minor  
Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 21 21.4  
Description: Failed to pay outstanding consolidated water quality ("CWQ") late fees for TCEQ Financial Account No. 23005551 for Fiscal Year 2014, as documented in a record review conducted on January 31, 2014.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

- |        |                   |          |
|--------|-------------------|----------|
| Item 1 | November 17, 2010 | (881767) |
| Item 2 | December 17, 2010 | (896530) |
| Item 3 | January 05, 2011  | (896529) |
| Item 4 | January 24, 2011  | (909334) |

|         |                    |           |
|---------|--------------------|-----------|
| Item 5  | March 14, 2011     | (916593)  |
| Item 6  | April 18, 2011     | (908730)  |
| Item 7  | April 25, 2011     | (925555)  |
| Item 8  | April 26, 2011     | (916592)  |
| Item 9  | May 23, 2011       | (938287)  |
| Item 10 | July 05, 2011      | (945658)  |
| Item 11 | July 18, 2011      | (952901)  |
| Item 12 | September 26, 2011 | (965601)  |
| Item 13 | October 20, 2011   | (971640)  |
| Item 14 | November 14, 2011  | (977806)  |
| Item 15 | November 18, 2011  | (971639)  |
| Item 16 | December 20, 2011  | (984571)  |
| Item 17 | February 09, 2012  | (990863)  |
| Item 18 | February 21, 2012  | (998234)  |
| Item 19 | March 23, 2012     | (1003751) |
| Item 20 | April 16, 2012     | (1010319) |
| Item 21 | May 29, 2012       | (1016707) |
| Item 22 | June 20, 2012      | (1024446) |
| Item 23 | June 29, 2012      | (1015507) |
| Item 24 | July 25, 2012      | (1031824) |
| Item 25 | August 30, 2012    | (1038254) |
| Item 26 | September 19, 2012 | (1046955) |
| Item 27 | October 15, 2012   | (1061980) |
| Item 28 | November 21, 2012  | (1061981) |
| Item 29 | December 27, 2012  | (1061982) |
| Item 30 | January 23, 2013   | (1079520) |
| Item 31 | February 22, 2013  | (1079519) |
| Item 32 | March 25, 2013     | (1089569) |
| Item 33 | June 14, 2013      | (1098801) |
| Item 34 | July 17, 2014      | (1193829) |
| Item 35 | August 20, 2014    | (1198992) |
| Item 36 | September 22, 2014 | (1206062) |
| Item 37 | October 27, 2014   | (1212479) |
| Item 38 | November 05, 2014  | (1205157) |
| Item 39 | February 26, 2015  | (1242538) |
| Item 40 | March 20, 2015     | (1248886) |
| Item 41 | April 13, 2015     | (1255773) |
| Item 42 | May 20, 2015       | (1262491) |

#### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

|   |   |                          |  |
|---|---|--------------------------|--|
| 1 | Date: 10/31/2014 (1218725)  | CN600635890              |  |
|   | Self Report? YES  | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                          |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter   |                          |  |
| 2 | Date: 11/30/2014 (1224512)  | CN600635890              |  |
|   | Self Report? YES  | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                          |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter   |                          |  |
| 3 | Date: 12/05/2014 (1211142)  | CN600635890              |  |
|   | Self Report? NO   | Classification: Minor    |  |
|   | Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)   |                          |  |
|   | Description: Failure to ensure that the facility and all of its systems of collection are properly operated and maintained. |                          |  |
| 4 | Date: 12/31/2014 (1231095)  | CN600635890              |  |
|   | Self Report? YES  | Classification: Moderate |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)                          |                          |  |
|   | Description: Failure to meet the limit for one or more permit parameter   |                          |  |
| 5 | Date: 01/06/2015 (1217037)  | CN600635890              |  |
|   | Self Report? NO   | Classification: Moderate |  |

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
2D TWC Chapter 26, SubChapter A 26.121(a)(2)  
2D TWC Chapter 26, SubChapter A 26.121(a)(3)

Description: Failure to maintain the collection system.

6 Date: 05/31/2015 (1269654) CN600635890

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

7 Date: 06/30/2015 (1277192) CN600635890

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF ORE CITY  
RN101920122**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-1524-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Ore City ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located approximately 4,300 feet northeast of the intersection of United States Highway 259 and Farm-to-Market Road 450 in Upshur County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on August 27, 2015, TCEQ staff documented from self-reported discharge monitoring reports ("DMRs") that the Facility exceeded permitted effluent limitations as shown in the table below:

| <b>Permitted Effluent Violation Table</b> |                         |                    |                         |                 |                     |                               |                 |                    |
|---|-------------------------|--------------------|-------------------------|-----------------|---------------------|-------------------------------|-----------------|--------------------|
|   | <b>CBOD<sub>5</sub></b> |                    | <b>Ammonia Nitrogen</b> |                 |                     | <b>Total Suspended Solids</b> |                 |                    |
|   | Daily Avg. Conc.        | Daily Max. Loading | Daily Avg. Conc.        | Single Grab     | Daily Max. Loading  | Daily Avg. Conc.              | Single Grab     | Daily Max. Loading |
| <b>Month/<br/>Year</b>                    | Limit = 7 mg/L          | Limit = 13 lbs/day | Limit = 2 mg/L          | Limit = 15 mg/L | Limit = 3.6 lbs/day | Limit = 15 mg/L               | Limit = 60 mg/L | Limit = 27 lbs/day |
| May 2015                                  | 22                      | 42                 | 3.97                    | c               | 4.6                 | 39                            | 70              | 65                 |
| June 2015                                 | 10.2                    | c                  | 8.6                     | 16              | 6.8                 | c                             | c               | c                  |

Avg. = Average

c = compliant

CBOD<sub>5</sub> = Carbonaceous  
Biochemical Oxygen  
Demand (5-day)

Max. = Maximum

mg/L = milligrams per liter

Conc. = Concentration

lbs/day = pounds per day

4. The Respondent received notice of the violations on September 21, 2015.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014389001, Effluent Limitations and Monitoring Requirement 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for

violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325) shall be conditionally offset by Respondent's completion of a Supplemental Environmental Project ("SEP").

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Ore City, Docket No. 2015-1524-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014389001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language further ordered that the Respondent shall undertake the following technical requirements:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3734

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the



Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

4/8/16

Date

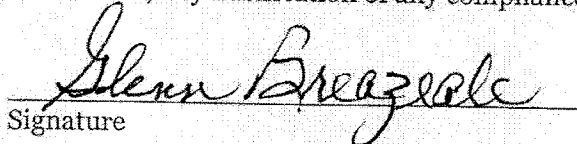
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Ore City. I am authorized to agree to the attached Agreed Order on behalf of the City of Ore City, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Ore City waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

1-6-16  
Date

Glenn Breazeale  
Name (Printed or typed)  
Authorized Representative of  
City of Ore City

Mayor  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

**Attachment A**  
**Docket Number: 2015-1524-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                                   |   |
|-----------------------------------|---|
| <b>Respondent:</b>                | <b>City of Ore City</b>   |
| <b>Penalty Amount:</b>            | <b>Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325)</b>        |
| <b>SEP Offset Amount:</b>         | <b>Seventeen Thousand Three Hundred Twenty-Five Dollars (\$17,325)</b>        |
| <b>Type of SEP:</b>               | <b>Contribution to a Third-Party Pre-Approved SEP</b>                         |
| <b>Third-Party Administrator:</b> | <b>Texas Association of Resource Conservation and Development Areas, Inc.</b> |
| <b>Project Name:</b>              | <b><i>Wastewater Treatment Assistance</i></b>                                 |
| <b>Location of SEP:</b>           | <b>Upshur County - Sabine River Basin, Carrizo-Wilcox Aquifer</b>             |

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Wastewater Treatment Assistance* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities to repair or replace failing or inadequately designed on-site wastewater treatment systems such as septic systems for low-income households (the “Project”). Low-income households fall at or below the 80 percent median income level for households in the county where they live.

The Third-Party Administrator shall ensure that all repairs, replacements, and installations are performed in compliance with local, state, and federal rules relating to on-site wastewater treatment systems. The Third-Party Administrator shall ensure that only properly licensed contractors are utilized for repair of existing on-site wastewater treatment systems and installation of new on-site wastewater treatment systems.

City of Ore City  
Agreed Order - Attachment A

An on-site wastewater treatment system is a system of treatment devices or disposal facilities that (1) is used for the disposal of domestic sewage, excluding liquid waste resulting from the processes used in industrial and commercial establishments; (2) is located on the site where the sewage is produced; and (3) produces not more than 5,000 gallons of waste a day. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a benefit to the environment by preventing the release of sewage into the environment and by protecting human health. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through sewage in drinking water sources, direct contact from water in lawns or streets, and inhalation and skin absorption.

Sewage overflows may cause damage to the environment. Sewage overflows may reach rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause algae blooms, and kill fish and other organisms in aquatic habitats.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902

## **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

## **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

City of Ore City  
Agreed Order - Attachment A

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.